

AN ACT

relating to the creation of the Southeast Travis County Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8385 to read as follows:

CHAPTER 8385. SOUTHEAST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT

NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8385.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Southeast Travis County Municipal Utility District No. 4.

(5) "Municipality" means a municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

Sec. 8385.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8385.003. CONFIRMATION AND DIRECTORS' ELECTION

1 REQUIRED. The temporary directors shall hold an election to  
2 confirm the creation of the district and to elect permanent  
3 directors as provided by Section 8385.051 of this code and Section  
4 49.102, Water Code.

5 Sec. 8385.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
6 temporary directors may not hold an election under Section 8385.003  
7 until each municipality has consented by ordinance or resolution to  
8 the creation of the district and to the inclusion of land in the  
9 district.

10 (b) If a municipality does not consent to the creation of  
11 the district or if the district does not enter into an agreement  
12 required by the terms of the municipal ordinance or resolution  
13 consenting to the creation of the district under this section  
14 before September 1, 2012:

15 (1) the district is dissolved September 1, 2012,  
16 except that:

17 (A) any debts incurred shall be paid;

18 (B) any assets that remain after the payment of  
19 debts shall be transferred to the municipality or another local  
20 governmental entity to be used for a public purpose; and

21 (C) the organization of the district shall be  
22 maintained until all debts are paid and remaining assets are  
23 transferred; and

24 (2) this chapter expires September 1, 2012.

25 Sec. 8385.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

26 (a) The district is created to serve a public purpose and benefit.

27 (b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8385.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8385.007-8385.050 reserved for expansion]

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8385.051. GOVERNING BODY; TERMS. (a) Except as provided by Subsection (b), the district is governed by a board of five elected directors.

(b) If required under the terms of the agreement, ordinance, or resolution by which a municipality consents to the creation of

1 the district, the board consists of:

2 (1) four elected directors; and

3 (2) one director appointed by the governing body of  
4 the municipality.

5 (c) A director appointed under Subsection (b)(2) is not  
6 required to be a qualified voter of the district or to own land  
7 subject to taxation in the district.

8 (d) Except as provided by Section 8385.052, directors serve  
9 staggered four-year terms. A permanent director may not serve more  
10 than two four-year terms.

11 (e) The common law doctrine of incompatibility does not  
12 disqualify an official or employee of a municipality from being  
13 appointed a director by the governing body of a municipality under  
14 Subsection (b)(2), and a director appointed to the board may  
15 continue to serve in a public office of or be employed by the  
16 municipality.

17 Sec. 8385.052. TEMPORARY DIRECTORS. (a) On or after the  
18 effective date of the Act enacting this chapter, the owner or owners  
19 of a majority of the assessed value of the real property in the  
20 district may submit a petition to the commission requesting that  
21 the commission appoint as temporary directors the five persons  
22 named in the petition. The commission shall appoint as temporary  
23 directors the five persons named in the petition.

24 (b) Temporary directors serve until the earlier of:

25 (1) the date permanent directors are elected under  
26 Section 8385.003; or

27 (2) the fourth anniversary of the effective date of

the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 8385.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8385.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8385.053-8385.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8385.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8385.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

1       Sec. 8385.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
2 Section 52, Article III, Texas Constitution, the district may  
3 design, acquire, construct, finance, issue bonds for, improve, and  
4 convey to this state, a county, or a municipality for operation and  
5 maintenance macadamized, graveled, or paved roads described by  
6 Section 54.234, Water Code, or improvements, including storm  
7 drainage, in aid of those roads.

8       (b) The district may exercise the powers provided by this  
9 section without submitting a petition to or obtaining approval from  
10 the commission as required by Section 54.234, Water Code.

11       Sec. 8385.104. APPROVAL OF ROAD PROJECT. (a) The district  
12 may not undertake a road project authorized by Section 8385.103  
13 unless:

14               (1) each municipality or county that will operate and  
15 maintain the road has approved the plans and specifications of the  
16 road project, if a municipality or county will operate and maintain  
17 the road; or

18               (2) the Texas Transportation Commission has approved  
19 the plans and specifications of the road project, if the state will  
20 operate and maintain the road.

21       (b) Except as provided by Subsection (a), the district is  
22 not required to obtain approval from the Texas Transportation  
23 Commission to design, acquire, construct, finance, issue bonds for,  
24 improve, or convey a road project.

25       Sec. 8385.105. COMPLIANCE WITH AND ENFORCEABILITY OF  
26 MUNICIPAL CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The  
27 district shall comply with all applicable requirements of any

ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

(b) Any agreement between the district and a municipality related to the municipality's consent to the creation of the district is valid and enforceable.

(c) On the issuance of bonds by the district, the district is considered to have waived sovereign immunity to suit by a municipality for the purpose of adjudicating a claim for breach of an agreement described by this section.

Sec. 8385.106. CONTRACT TO FURTHER REGIONAL COOPERATION. The district and a municipality may contract on terms that the board and governing body of the municipality agree will further regional cooperation between the district and the municipality.

Sec. 8385.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

[Sections 8385.108-8385.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8385.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8385.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8385.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8385.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) If required by an agreement between the district and a municipality under Section 8385.105, the total ad valorem tax rate of the district may not be less than the total ad valorem tax rate of the municipality.

Sec. 8385.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8385.154-8385.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8385.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations



1 payable wholly or partly from ad valorem taxes, impact fees,  
2 revenue, contract payments, grants, or other district money, or any  
3 combination of those sources, to pay for any authorized district  
4 purpose.

5 Sec. 8385.202. TAXES FOR BONDS. At the time the district  
6 issues bonds payable wholly or partly from ad valorem taxes, the  
7 board shall provide for the annual imposition of a continuing  
8 direct ad valorem tax, without limit as to rate or amount, while all  
9 or part of the bonds are outstanding as required and in the manner  
10 provided by Sections 54.601 and 54.602, Water Code.

11 Sec. 8385.203. BONDS FOR ROAD PROJECTS. At the time of  
12 issuance, the total principal amount of bonds or other obligations  
13 issued or incurred to finance road projects and payable from ad  
14 valorem taxes may not exceed one-fourth of the assessed value of the  
15 real property in the district.

16 [Sections 8385.204-8385.250 reserved for expansion]

17 SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL  
18 ANNEXATION AND NOTICE

19 Sec. 8385.251. STRATEGIC PARTNERSHIP; CONTINUATION OF  
20 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may  
21 continue to exist as a limited district after full-purpose  
22 annexation by a municipality if the district and the annexing  
23 municipality state the terms of the limited district's existence in  
24 a strategic partnership agreement under Section 43.0751, Local  
25 Government Code.

26 (b) The strategic partnership agreement may provide for a  
27 term of any number of years. The limitation in Section

43.0751(g)(2), Local Government Code, on the length of the term does not apply to a limited district created under this section.

Sec. 8385.252. MUNICIPAL ANNEXATION; NOTICE.

(a) Sections 43.0561 and 43.0562, Local Government Code, do not apply to the annexation of the district by a municipality that consents to the creation of the district under Section 8385.004.

(b) Not later than the 30th day after the date a municipality adopts a resolution or ordinance consenting to the creation of the district, the municipality shall file, in the real property records of the county in which the land to be included in the district is located, a notice to a purchaser of real property in the district that describes:

(1) the municipality's authority and intention to annex the district; and

(2) the anticipated date of the annexation.

(c) After the notice is filed, a person who proposes to sell or otherwise convey real property in the district must include the information contained in the municipality's notice in the Notice to Purchasers required by Section 49.452, Water Code.

SECTION 2. The Southeast Travis County Municipal Utility District No. 4 initially includes all the territory contained in the following area:

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOSE ANTONIO NAVARRO SURVEY, ABSTRACT 18, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN 74.590 ACRE TRACT OF LAND CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER 2008139825, A PORTION

S.B. No. 1916

1 OF THAT CERTAIN 362.872 ACRE TRACT OF LAND CONVEYED TO QUALICO CR,  
2 LP IN DOCUMENT NUMBER 2008082363, ALL OF THAT CERTAIN 184.382 ACRE  
3 TRACT OF LAND CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER  
4 2010119925 AND A PORTION OF THAT CERTAIN 161.518 ACRE TRACT OF LAND  
5 CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER 2009141317 ALL OF THE  
6 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND  
7 BEING 378.452 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS  
8 AS FOLLOWS:

9 BEGINNING, at an iron rod found at the southeast corner of said  
10 74.590 acre Qualico CR, LP tract, also being the southwest corner of  
11 said 161.518 acre Qualico CR, LP tract, also being a point on the  
12 northern right-of-way line of Pearce Lane, a varying width public  
13 roadway, for the POINT OF BEGINNING of the herein described tract,  
14 THENCE, with the southern boundary line of said 74.590 acre Qualico  
15 CR, LP tract and the northern right-of-way line of said Pearce Lane,  
16 the following two (2) courses and distances numbered 1 and 2,

17           1. N64°19'11"W a distance of 92.92 feet to an iron rod  
18           found at the point of curvature to the left,

19           2. with said curve to the left having a radius of  
20           9419.72 feet, an arc length of 502.24 feet, and whose chord  
21           bears N65°59'24"W, a distance of 502.18 feet to an iron rod  
22           found,

23 THENCE, leaving the northern right-of-way line of said Pearce Lane,  
24 and crossing said 74.590 acre Qualico CR, LP tract, the said 161.518  
25 acre Qualico CR, LP tract, and the 362.872 acre Qualico CR, LP tract  
26 , the following twelve (12) courses and distances, numbered 1  
27 through 12,

OK  
2  
ml

S.B. No. 1916

1           1. N59°39'27"E, a distance of 145.30 feet to a  
2           calculated point,

3           2. S77°46'45"E, a distance of 440.15 feet to a  
4           calculated point,

5           3. S84°08'57"E, a distance of 722.01 feet to a  
6           calculated point,

7           4. N45°54'29"E, a distance of 698.92 feet to a  
8           calculated point,

9           5. N08°39'51"E, a distance of 919.38 feet to a  
10          calculated point,

11          6. N55°53'27"W, a distance of 506.81 feet to a  
12          calculated point,

13          7. N16°17'52"W, a distance of 1014.45 feet to a  
14          calculated point,

15          8. N62°26'37"E, a distance of 544.11 feet to a  
16          calculated point,

17          9. N30°27'47"E, a distance of 295.08 feet to a  
18          calculated point,

19          10. N18°05'14"W, a distance of 633.66 feet to a  
20          calculated point,

21          11. N31°33'30"E, a distance of 578.23 feet to a  
22          calculated point,

23          12. N30°19'13"E, a distance of 1597.94 feet to an iron  
24          rod found on the north line of said 362.872 acre Qualico CR,  
25          LP tract, and in the south line of a 147.806 acre tract  
26          conveyed to Gregory C. Weiss and Virginia G. Bassett tract,  
27          recorded in Document Number 2006186612,

24!  
e  
me

S.B. No. 1916

1 THENCE, with the common southern boundary line of said 147.806 acre  
2 Gregory C. Weiss and Virginia G. Bassett tract and the northern  
3 boundary line of said 362.872 acre Qualico CR, LP tract,  
4 S63°19'24"E, a distance of 699.61 feet to the northwest corner of  
5 said 184.382 Qualico CR, LP tract,

6 THENCE, with the common southern boundary line of said 147.806 acre  
7 Gregory C. Weiss and Virginia G. Bassett tract and the northern  
8 boundary line of said 184.382 acre Qualico CR, LP tract,  
9 S63°21'31"E, a distance of 2403.99 feet to an iron rod found at the  
10 northeast corner of said 184.382 acre Qualico CR, LP tract, also  
11 being in the westerly right-of-way line of Wolfe Lane, a varying  
12 width public roadway,

13 THENCE, with the common boundary line of said 184.382 acre Qualico  
14 CR, LP tract and the west right-of-way line of said Wolfe Lane, the  
15 following nine (9) courses and distances, numbered 1 through 9,

16 1. S28°41'05"W, a distance of 93.30 feet to an iron rod  
17 found,

18 2. S28°01'16"W, a distance of 387.32 feet to an iron rod  
19 found,

20 3. S27°56'22"W, a distance of 289.74 feet to an iron rod  
21 found,

22 4. S27°35'22"W, a distance of 341.84 feet to an iron rod  
23 found,

24 5. S27°21'56"W, a distance of 191.88 feet to an iron rod  
25 found,

26 6. S26°52'52"W, a distance of 541.29 feet to an iron rod  
27 found,

off  
e  
line

S.B. No. 1916

1           7. S27°04'44"W, a distance of 1120.79 feet to an iron rod  
2       found,

3           8. S27°32'04"W, a distance of 329.70 feet to an iron rod  
4       found,

5           9. S27°38'13"W, a distance of 195.47 feet to an iron rod  
6       found, in the west right-of-way line of said Wolfe Lane and in  
7       the west line of said 161.518 acre Qualico CR, LP tract,

8   THENCE, with the common boundary line of said 161.518 acre Qualico  
9   CR, LP tract and the west right-of-way line of said Wolfe Lane, the  
10 following two (2) courses and distances, numbered 1 and 2,

11           1. S27°17'41"W, a distance of 103.86 feet to an iron rod  
12       found,

13           2. S27°06'59"W, a distance of 2038.07 feet to a  
14       calculated point,

15   THENCE, leaving right-of-way line of said Wolfe Lane and crossing  
16   said 161.518 acre Qualico CR, LP tract, S39°14'43"W, a distance of  
17   856.86 feet to an iron rod found in the south line of said 161.518  
18   acre Qualico CR, LP tract, also being in the northerly right-of-way  
19   line of said Pearce Lane, for the point of curvature to the left,

20   THENCE, with the common boundary line of said 161.518 acre Qualico  
21   CR, LP tract and the north right-of-way line of said Pearce Lane,  
22   the following six (6) courses and distances, numbered 1 through 6,

23           1. with said curve to the left having a radius of  
24       2576.23 feet, an arc length of 451.04 feet, and whose chord  
25       bears N46°34'33"W, a distance of 450.46 feet to an iron rod  
26       found,

27           2. N51°35'30"W, a distance of 194.12 feet to an iron rod

found at the point of curvature to the left,

3. with said curve to the left having a radius of 8327.42 feet, an arc length of 502.55 feet, and whose chord bears N53°20'29"W, a distance of 502.47 feet to an iron rod found,

4. N55°04'13"W, a distance of 181.98 feet to an iron rod found at the point of curvature to the left,

5. with said curve to the left having a radius of 3174.03 feet, an arc length of 506.11 feet, and whose chord bears N59°48'40"W, a distance of 505.58 feet to an iron rod found and

6. N64°22'45"W, a distance of 434.44 feet to the POINT OF BEGINNING, and containing 378.452 acres of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

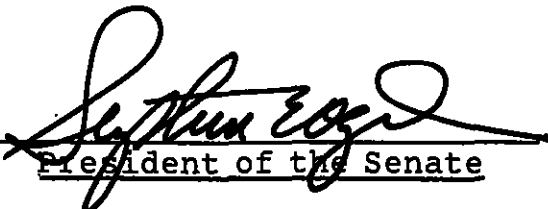
(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

1           (d) All requirements of the constitution and laws of this  
2 state and the rules and procedures of the legislature with respect  
3 to the notice, introduction, and passage of this Act are fulfilled  
4 and accomplished.

5           SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2011.

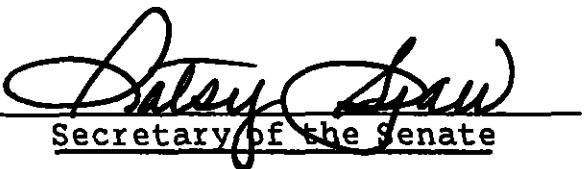


S.B. No. 1916

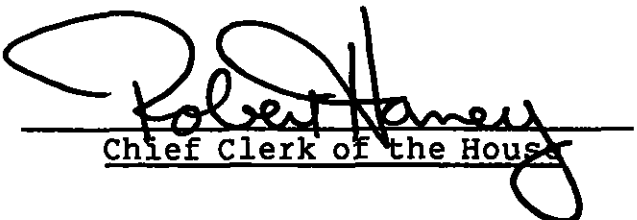
  
President of the Senate

  
Speaker of the House

I hereby certify that S.B. No. 1916 passed the Senate on  
May 18, 2011, by the following vote: Yeas 31, Nays 0.

  
Secretary of the Senate

I hereby certify that S.B. No. 1916 passed the House on  
May 25, 2011, by the following vote: Yeas 147, Nays 0, one  
present not voting.

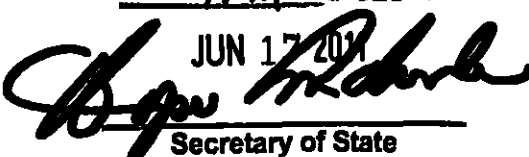
  
Chief Clerk of the House

Approved:

17 JUN '11  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4 PM O'CLOCK

  
Secretary of State